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07 CIV 8174  
JUDGE STEIN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RICHARD CLARK  
RR2 Box 2404  
Halstead, Pennsylvania 18822

CIVIL ACTION  
Index No.

JURY TRIAL DEMANDED

v.

BEAN DREDGING LLC  
1055 St. Charles Avenue., Suite 500  
New Orleans, Louisiana 70130

and

BEAN EXCAVATIONS LLC  
1055 St. Charles Avenue., Suite 500  
New Orleans, Louisiana 70130

C.F. BEAN, LLC  
1055 St. Charles Avenue., Suite 500  
New Orleans, Louisiana 70130

SEP 19 2007  
U.S.D.C. S.D. N.Y.  
COMPLAINT CASHIERS

(WAIVER OF FILING FEE  
28 U.S.C. SECTION 1916)

-----X  
Plaintiff hereby claims of the defendant a sum in excess of  
One Hundred and Fifty Thousand Dollars (\$150,000.00) in damages upon  
the following causes of action:

1. Plaintiff is a seaman.
2. This action is brought pursuant to the Maritime Law of  
the United States as modified by the Jones Act, 46 U.S.C. §§688,  
et seq.
3. At all times material hereto, one or more of defendants  
were doing business in Staten Island, State of New York.
4. At all times material hereto, plaintiff was in the employ  
of one or more of the defendants as a crane operator/dredge worker  
at the rate of pay and for the terms as set forth in his contract  
of employment.

5. On or about March 21, 2006, while at sea, plaintiff suffered injuries while under the employment of one or more than defendants.

6. Plaintiff's injuries were caused by the negligence of one or more of the defendants, their agents, servants, workmen and employees, by the unseaworthiness of the vessel, and by one or more of the defendants' breach of their obligation under the circumstances.

7. Solely by reason of the negligence of one or more of the defendants, plaintiff sustained personal injuries.

WHEREFORE, plaintiff demands judgment against one or more of the defendants in excess of the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00), with costs and interest, and brings this action to recover same.

#### SECOND CAUSE OF ACTION

##### In Admiralty

Plaintiff claims of one or more of the defendants maintenance and cure and wages in such amount as may be determined by the Court upon the following cause of action:

8. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 7, inclusive, of this Complaint with the same force and effect as if fully set forth and repeated herein.

9. Plaintiff, by virtue of his services upon the said vessel, claims maintenance and cure and wages for the period of this

disability in an amount which to your Honorable Court shall deem just and proper upon the trial of this cause.

10. All and singular, the premises contained herein are true and within the admiralty and maritime jurisdiction of the United States and this Honorable Court.

**WHEREFORE**, plaintiff prays that judgment be entered against one or more of the defendants for such maintenance and cure and wages as the Court may determine to be due and owing upon the trial of this cause, and for such interest, costs and counsel fees as the Court may deem just and proper.

Dated: New York, New York  
September 14, 2007

BY:

  
Michael H. Zhu

Michael H. Zhu, Esq. P.C.  
14 Wall Street, 22<sup>nd</sup> Floor  
New York, New York 10005  
212 227-2245

Of Counsel:  
Rudolph V. DeGeorge, II, Esquire  
BARISH◆ROSENTHAL  
Bell Atlantic Tower  
1717 Arch Street, Suite 4020  
Philadelphia, PA 19103  
(215) 923-8900

**ATTORNEY'S VERIFICATION**

The undersigned, an attorney admitted to practice in the United States District Court, Southern District of New York: That the undersigned is a member of the firm of Michael H. Zhu, Esq. P.C., attorneys for plaintiff Richard Clark, in the within action; that the undersigned has read the foregoing Verified Complaint and knows the contents thereof; that the same are true to affirmant's own knowledge, except as to the matters therein stated to be alleged on information and belief; and as to those matters affirmant believes them to be true.

The undersigned further states that the reason this affirmation is made by the undersigned and not by plaintiff is that the plaintiff resides outside the state where the undersigned maintains his offices.

The grounds of affirmant's belief as to all matters not stated to be upon affirmant's knowledge, are as follows: books, records, correspondence, investigation and other documentation in the possession of the undersigned.

The undersigned affirms that the foregoing statements are true, under the penalty of perjury.

Dated: New York, New York  
September 14, 2006

  
Michael H. Zhu

Index No.

Year

RJI No.

Hon.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD CLARK,

Plaintiff,

-against-

BEAN DREDGING LLC, BEAN EXCAVATIONS LLC, and C.F. BEAN, LLC  
Defendants.

**VERIFIED COMPLAINT**

MICHAEL H. ZHU, ESQ. P.C.

*Attorneys for Plaintiff Richard Clark*

*Office and Post Office Address, Telephone*

14 WALL STREET, 22<sup>ND</sup> FLOOR  
NEW YORK, N.Y. 10005  
(212) 227-2245

To

Signature (Rule 130-1.1-a)

.....  
Print name beneath

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....  
Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
of the within named court, at  
on

of which the within is a true copy will be presented for  
one of the judges

at

M

Dated,

Yours, etc.

MICHAEL H. ZHU, ESQ.

*Attorneys for plaintiff Richard Clark*

*Office and Post Office Address*

14 WALL STREET, 22<sup>ND</sup> FLOOR  
NEW YORK, N.Y. 10005

To

Attorney(s) for